

or the failure or refusal to properly discharge the duties of his appointment or employment. Without limitation, the rules and regulations of the civil service commission shall include such provisions as may be necessary to prohibit discrimination in employment, appointment or promotion because of sex, race, color, creed or national origin. (Added by amendment October 15, 1913; amended December 28, 1915, August 14, 1982)

Section 5. Continuation in effect of other rules and regulations.

That as to all employees, officers and appointees not under civil service the provisions of the present Charter shall remain in full force as to such appointment, removal salary, services and duties, unless amended at this or some other subsequent election. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

ARTICLE VI. THE MAYOR

Section 1. Office Created.

There is hereby established the office of Mayor of the City of Houston. (Added by amendment August 15, 1942, November 2, 1999)

Section 2. Mayor Pro Tem.

At the first regular meeting of the City Council after the induction of the newly elected Mayor and Councilmen in office, the Mayor shall nominate, subject to confirmation by the City Council, one of the Councilmen who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as councilman, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. (Added by amendment August 15, 1942)

Section 3. Disability of the Mayor.

If for any reason the Mayor is absent from the City, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and

during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor. (Added by amendment August 15, 1942)

Section 4. Vacancy.

In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until an election is ordered by the City Council to fill the vacancy in the office of Mayor, shall be called by the City Council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law. (Added by amendment August 15, 1942)

Section 5. Removal of the Mayor.

In case of misconduct, inability or wilful neglect in the performance of the duties of his office, the Mayor may be removed from office by the City Council by vote of two-thirds of all the Councilmen elected, but shall be given an opportunity to be heard in his defense, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the Mayor, shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of facts as made by the Council, shall be filed by the City Council in the public archives of the city, and shall become and be a matter of public record.

Pending the charge of impeachment against the Mayor, the City Council may suspend him from office for a period of not exceeding thirty days by a vote of two-thirds of the Councilmen elected, and if upon final hearing the conclusions and findings of the City Council are that the Mayor be impeached and removed from office, such findings shall be final. (Added by amendment August 15, 1942)

Section 6. Signature of Ordinances.

Every ordinance, resolution or motion of the City Council shall, before it takes effect, be presented to the Mayor for his approval and signature. If the Mayor shall fail to sign any ordinance, resolution or motion within five days after adoption, it shall nevertheless be in full force and effect as if he had signed the same. The Mayor shall at all times preside over all meetings of the City Council and shall on all occasions be privileged to vote. He shall not have the right and privilege of veto. (Added by amendment August 15, 1942)

Section 7. General Powers of the Mayor.

The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this Article or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of this charter, and shall have the power to administer oaths. Subject to the confirmation of the Council, he shall have the power to appoint all advisory boards created by the Charter or ordinance. The Mayor shall appoint, subject to confirmation of the City Council, the Civil Service Commissioners as is provided in Article Va of the existing Charter. (Added by amendment August 15, 1942)

Section 7a. ADDITIONAL POWERS AND DUTIES OF THE MAYOR.

All the administrative work of the city government shall be under the control of the Mayor, and he shall devote his full time to the duties of his office. Any and all administrative duties conferred or imposed upon the City Manager by any article or articles, or section or sections of such article or articles of the Charter which was not amended or repealed at the Charter Amendment Election of 1947 shall hereafter be exercised and performed by the Mayor. Among others, the powers and duties of the Mayor shall be as follows:

1. To see that all laws and ordinances are enforced.

2. The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of departments in the administrative service of the City as may be created by ordinance, and the Mayor shall have the power to remove such heads of departments at any time he shall see fit without confirmation by the City Council. The Mayor shall also have the power to appoint and remove all other employees of the City, such appointments and removals to be subject, however, to the civil service provisions of the Charter.
3. To exercise administrative control over all departments of the City.
4. It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns.
5. To keep the Council at all times fully advised as to the financial condition and needs of the City.

The Council shall have authority to prescribe, by ordinance, rules and regulations governing the operation of each department, but the Mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative department, the heads of which are responsible to him. In order to expedite the work of any department, or to adequately administer an increase in the duties which may devolve on any department, or to cope with periodic or seasonal changes, the Mayor, subject to civil service regulations, is empowered to transfer employees temporarily from one department to perform similar duties in another such department. Likewise, each department head shall have power to transfer employees from one bureau or division to another within his department, subject to the rules and regulations of civil service. The Mayor may direct any such department or bureau to perform work for any other department or bureau.

In case of general conflagration, rioting, earthquakes, or other emergency menacing life and property, the Mayor shall be authorized to marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize, or otherwise employ, such other persons as he may consider necessary for the purpose of protecting the City and its residents.

Neither the Council nor any of its committees or members shall in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the Mayor by this Charter, except that all department heads appointed by the Mayor shall be subject to confirmation by the City Council as herein provided. Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the Mayor is responsible solely through the Mayor, and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor in said departments, either publicly or privately.

The Council, the Mayor or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the City and to make investigations as to City affairs. For that purpose the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The Council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

The City Council shall require the Mayor, before entering upon the duties of his office, to execute a good and sufficient bond, with a surety company doing business in the State of Texas, and approved by the City Council, as surety thereon, said bond to be in such amount as the Council may demand payable to the City of Houston and conditioned for the faithful performance of the duties of his office, the premium for such bond to be paid by the City.

Article VIb, as heretofore existing, is hereby repealed.

If any paragraph, clause, sentence or phrase of this section is for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this article shall not be affected.

This amendment shall become effective on the 1st day of August, A. D. 1947. (Added by amendment July 26, 1947; amended January 27, 1968)

Section 8. SALARY OF THE MAYOR.

The salary of the Mayor shall be \$20,000.00 per annum, payable in equal semi-monthly installments.

This amendment shall become effective on the 1st day of August, 1947. (Added by amendment August 15, 1942; amended July 26, 1947)

Section 9. Saving Clause.

If any section, sub-section, clause, sentence or phrase of this Article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this Article. (Added by amendment August 15, 1942)

Section 10. Repeal.

Article VI, as heretofore existing, is repealed. (Added by amendment August 15, 1942)

Sec. 11. Vice Mayor Pro Tem.

At the first regular meeting of the City Council after the induction of the newly elected Mayor and members of Council in office, Council shall appoint, by majority vote, one of its members who shall be known and designated as 'Vice Mayor Pro Tem', who shall continue to hold the title and the office until such member resigns or is replaced by a majority vote of City Council, and who shall receive no extra pay by reason of being or acting as Vice Mayor Pro Tem. (Added by amendment August 14, 1982)

Sec. 12. Disability of the Mayor and Mayor Pro Tem.

If for any reason the Mayor is absent from the City, sick, or unable to perform the duties of that

office, and the Mayor Pro Tem is absent from the City, sick or unable to perform the duties of the office of Mayor Pro Tem, the Vice Mayor Pro Tem shall act as Mayor, and during such absences or disabilities shall possess all of the powers and perform all of the duties of the Mayor. (Added by amendment August 14, 1982)

Sec. 13. Vacancy.

In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, and in case of the death, resignation or permanent disability of the Mayor and Mayor Pro Tem, the Vice Mayor Pro Tem shall act as Mayor and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of Vice Mayor Pro Tem until an election is ordered by the City Council to fill the vacancy in the office of Mayor and a successor has been elected and shall have qualified. Said election, should a vacancy occur in the Office of Mayor, shall be called by the City Council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law. (Added by amendment August 14, 1982)

ARTICLE VI-a. FISCAL YEAR, BUDGET ALLOWANCE, REPORTS APPROPRIATIONS, ETC.

Section 1. Fiscal year, Appropriations.

The current fiscal year of the City of Houston shall, beginning January 1, 1916, commence on the first day of January of each year and end on the 31st day of December next thereafter.

It shall be the duty of the City Council at the first meeting in January of any year to make appropriations for the support of the city government until the general appropriation ordinance passed on the second meeting in February shall have been passed, and at the second meeting in February of each year, or at any time thereafter in any year, the City Council shall appropriate such sums of money, respectively, for the various departments of the City Government as they may

deem necessary for their maintenance for the current fiscal year. (Added by amendment December 28, 1915)

SEC. 2. ANNUAL BUDGET.

It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. (Added by amendment December 28, 1915; amended January 27, 1968)

Section 3. Reports of Heads of Departments.

The head of each department created by the City Council shall make a written report to the Mayor on or before the 15th day of January of each and every year, showing the operations of the department for the preceding year. These reports to be transmitted to the Mayor and shall accompany and be a part of the Mayor's report to the City Council, which report shall be made on or before the 15th day of February of each year. (Added by amendment December 28, 1915)

Section 4. REPORT OF THE CITY CONTROLLER.

The City Controller shall, on or before the first day of April of each year, prepare and transmit to the City Council a report of the financial transactions of the City during the fiscal year ending the last day of December, next preceding, and of its financial condition on said last named day of December. The report shall show an accurate statement in summarized form and also in detail of the financial receipts of the City from all sources and of the expenses of the City for all purposes, together with a detailed statement of the debt of said City and of the purposes for which said debt was incurred, and of the property of said City, and of the accounts of the City with the grantees of franchises. (Added by amendment December 28, 1915; amended July 26, 1947)

Section 5. Council to effect change.

The City Council shall, and it is hereby authorized to pass all such ordinances not inconsistent herewith, as may be necessary to fully effect the change from the present fiscal year to the fiscal year fixed by this article. (Added by amendment December 28, 1915)

Note—The title of this section was added by the editor; it is not titled in the certification of the 1915 Charter Election.

Election, in which event the remainder of the City Council shall, by a majority vote, fill each such position. A person selected to fill any such vacant position must meet all qualifications for such position and shall serve during the unexpired term of such position. (Added by amendment August 15, 1942; amended August 11, 1979)

Section 6. Repeal of Laws in Conflict with this Article.

Section 8 of Article VI, the first and fourth paragraphs of Section 10 of Article VII, the first paragraph of Section 4 of Article VIII, and all other sections or parts of sections of the existing charter of the City of Houston in conflict with this article shall be and are hereby repealed. (Added by amendment December 28, 1915)

ARTICLE VII. CITY COUNCIL**Section 1. COMPENSATION OF COUNCILMEN.**

Each Councilman shall receive as compensation for his services the sum of \$3,600.00 per annum, payable in equal semi-monthly installments, and in addition, all necessary expenses incurred by members of the City Council in the performance of their official duties shall be paid by the City.

The Councilmen shall not be required to devote their full time to the duties of their offices.

This amendment shall become effective on the 1st day of August, A. D. 1947. (Added by amendment August 15, 1942; amended July 26, 1947)

Sec. 2. Vacancies.

If the positions of six or fewer Council Members are vacant at any one time, the remainder of the City Council shall, by a majority vote, fill each such position. If the positions of seven or more Council Members are vacant at any one time, the remainder of the City Council shall call a special election to fill such positions, unless such vacancies occur within sixty days of a City General

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